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PATENT
Customer No. 22,852
Attorney Docket No. 06478.1457-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Juergen ROEMISCH, et al.

Application No.: 09/912,559

Filed: July 26, 2001

For: MUTANTS OF THE FACTOR VII-ACTIVATING PROTEASE AND DETECTION METHODS USING SPECIFIC ANTIBODIES

Group Art Unit: 1642

Examiner: Anthony C. Caputa

Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated September 20, 2002, the Office required restriction under 35 U.S.C. § 121 among:

I.	Claims 1-2	VI.	Claims 8-11, 17 (in part), 23-26, and 29	X.	Claim 15 (in part)
II.	Claims 3-4			XI.	Claim 17 (in part)
III.	Claims 5 and 27-28	VII.	Claims 12-14	XII.	Claim 17 (in part)
IV.	Claim 6	VIII.	Claim 15 (in part)		
V.	Claims 7 and 16	IX.	Claim 15 (in part)		

Applicants note that the Office does not appear to have placed claims 18-22 into any particular group and respectfully suggest that these claims be placed in either Group V or Group XII. Applicants provisionally elect, with traverse, to prosecute Group I, claims 1 and 2, drawn to polynucleotides encoding mutant factor VII-activating protease (FSAP).

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Section 803 of the M.P.E.P. states that "[i]f the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." (M.P.E.P. § 803, emphasis added.) Applicants respectfully submit that this policy should apply to this application in order to avoid unnecessary delay and duplicative examination.

Applicants submit that this search can be made without undue burden because a literature search for these groups would be largely coextensive. At a minimum, Group I is drawn to polynucleotide sequences that include those encoding the polypeptide sequences of Group II. (Compare claims 1 and 3 as well as claims 2 and 4.) A thorough search for the subject matter any one of these two groups should involve the subject matter of the other. Further, a search for methods of making or using polynucleotide or polypeptide sequences in diagnostic tests, treatments, and antibody preparation (i.e., Groups III-XII) should also involve a search for the polynucleotide and peptide sequences that may be directly or indirectly utilized in those methods.

Applicants also note that many of the groups of claims listed by the Office involve subject matter that has been given the same classification number. For example, Groups II, III, IV, VI, and XII all involve subject matter in class 435. In fact, Groups VI and XII also involve subject matter in the same subclass. Groups V and XI both involve subject matter in class 530 and Groups IX and X both involve subject matter in class 424.

Finally, under 37 C.F.R. § 1.141(b), once the Office determines that claims drawn to a product are allowable, claims drawn to a process of making or using that product

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may be rejoined. (M.P.E.P. § 821.04.) In accordance with that policy, Applicants request that the Office rejoin Groups III and XII, as well as any other appropriate claims, once the subject matter of Group I is determined to be allowable.

This response is accompanied by a Petition for a one-month Extension of Time and a fee of $110.00. Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Dated: November 13, 2002

By: _____
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